

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:04-CR-00369-F-1

UNITED STATES OF AMERICA,

)

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v.

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O R D E R

CALVIN BRYANT,

)

Defendant.

)

This matter is before the court on Calvin Bryant's Motion for Correction of Judgment [DE-96]. In his motion, Bryant argues that this court should reconsider its judgment entered on September 19, 2009.

At the outset, the court notes that *no* judgment was entered in this case on September 19, 2009. In an effort to clear up Bryant's confusion regarding this case, the court will recount the procedural history. On December 1, 2004, Bryant was charged in a three-count indictment. *See* Indictment [DE-2]. In Count One, Bryant was charged with being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924. Count Two charged Bryant with possession with intent to distribute more than 5 grams of cocaine base (crack), in violation of 21 U.S.C. § 841(a)(1). In Count Three, Bryant was charged with possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1).

Bryant's arraignment was held on April 11, 2005. Pursuant to a written plea agreement [DE-33], Bryant entered a plea of guilty to Counts Two and Three of the Indictment.

On August 18, 2005, Bryant was sentenced to a term of 300 months' imprisonment on Count Two and a consecutive 60-month term of imprisonment for Count Three. *See* Judgment

[DE-39]. Bryant filed a notice of appeal [DE-40] on August 24, 2005. The Fourth Circuit Court of Appeals dismissed the appeal.

Bryant filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-47] on May 4, 2007. In an order [DE-54] entered on January 6, 2009, this court denied Bryant's § 2255 motion.

On April 28, 2008, Bryant filed a Motion for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense under 18 U.S.C. § 3582(C)(2) [DE-48]. The court granted the motion on August 19, 2009, and Bryant's previously-imposed sentence of 360 months was reduced to 327 months.¹

In short, the court concludes that Bryant has failed to show that he is entitled to any relief. Accordingly, Bryant's Motion for Correction of Judgment [DE-96] is DENIED.

SO ORDERED.

This, the 15th day of July, 2014.



JAMES C. FOX
Senior United States District Judge

¹The 327 months included a sentence of 267 months on Count Two and a 60-month consecutive sentence on Count Three.